

**DECLARATION
AND POWER OF ATTORNEY
Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **BIOMOLECULAR ATTACHMENT SITES ON MICROELECTRONIC ARRAYS AND METHODS THEREOF** the specification of which

(Check One) ☒ is attached hereto OR
☐ was filed on _____ as United States Application Serial No. 2345678 or PCT International Application No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

POWER OF ATTORNEY: I, [redacted] named inventor, I hereby appoint as my [redacted] attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office and in countries other than the United States, and to do all things necessary or appropriate therefor before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified application connected therewith: Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr., Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,395; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Lois M. Kwasigroch, Reg. No. 35,579; Lawrence R. LaPorte, Reg. No. 38,948; Robert C. Laurenson, Reg. No. 34,206; Carol A. Schneider, Reg. No. 34,923; Hope E. Melville, Reg. No. 34,874; Michael J. Wise, Reg. No. 34,047; Richard J. Warburg, Reg. No. 32,327; Kurt T. Mulville, Reg. No. 37,194; Theodore S. Maceiko, Reg. No. 35,593; Bruce G. Chapman, Reg. No. 33,846; F. T. Alexandra Mahaney, Reg. No. 37,668; Stephen S. Korniczky, Reg. No. 34,853; James P. Brogan, Reg. No. 35,833; David A. Randall, Reg. No. 37,217; Christopher A. Vanderlaan, Reg. No. 37,747; and

Douglas C. Murdock, Reg. No. 37,549.

Send Correspondence to:	LYON & LYON LLP 633 W Fifth St., Suite 4700 Los Angeles, CA 90071	Direct Telephone calls to: (858) 552-8400, Extension 5546
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Residence, post office address, citizenship and signature of inventor(s) set forth beginning on next page.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

	FULL NAME OF INVENTOR	FIRST Name John	MIDDLE Initial R.	LAST Name Havens	
INVENTOR'S SIGNATURE <u>John R. Havens</u>				DATE <u>9/29/99</u>	
201	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country CA	Country of Citizenship US	
	POST OFFICE ADDRESS	5628 Lamas Street	City San Diego	State or Country CA	Zip Code 92122
	FULL NAME OF INVENTOR	FIRST Name Thomas	MIDDLE Initial J.	LAST Name Onofrey	
INVENTOR'S SIGNATURE <u>Thomas J. Onofrey</u>				DATE <u>9/29/99</u>	
202	RESIDENCE & CITIZENSHIP	City San Marcos	State or Foreign Country CA	Country of Citizenship US	
	POST OFFICE ADDRESS	590 Sonoma Street	City San Marcos	State or Country CA	Zip Code 92078
	FULL NAME OF INVENTOR	FIRST Name Charles	MIDDLE Initial H.	LAST Name Greef	
INVENTOR'S SIGNATURE <u>Charles H. Greef</u>				DATE <u>9/30/99</u>	
203	RESIDENCE & CITIZENSHIP	City Ramona	State or Foreign Country CA	Country of Citizenship US	
	POST OFFICE ADDRESS	16345 Oakley Road	City Ramona	State or Country CA	Zip Code 92065
	FULL NAME OF INVENTOR	FIRST Name Gregory	MIDDLE Initial J.	LAST Name Kevorkian	
INVENTOR'S SIGNATURE _____				DATE _____	
204	RESIDENCE & CITIZENSHIP	City Temecula	State or Foreign Country CA	Country of Citizenship US	
	POST OFFICE ADDRESS	33490 Camino Piedra	City Temecula	State or Country CA	Zip Code 92529
	FULL NAME OF INVENTOR	FIRST Name Jain	MIDDLE Initial	LAST Name Krotz	
INVENTOR'S SIGNATURE <u>Jain Krotz</u>				DATE <u>9/30/99</u>	
205	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country CA	Country of Citizenship Indian	
	POST OFFICE ADDRESS	6913 Westleigh Place	City San Diego	State or Country CA	Zip Code 92126
	FULL NAME OF INVENTOR	FIRST Name Kristie	MIDDLE Initial L.	LAST Name Lykstad	
INVENTOR'S SIGNATURE <u>Kristie Lykstad</u>				DATE <u>9/30/99</u>	
206	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country CA	Country of Citizenship US	
	POST OFFICE ADDRESS	18622 Caminito Cantilena, #309	City San Diego	State or Country CA	Zip Code 92128

201 202 203 204 205 206

	FULL NAME OF INVENTOR	FIRST Name Daniel	MIDDLE Initial E.	LAST Name Raymond	
INVENTOR'S SIGNATURE <u>Dan Raymond</u>				DATE <u>9/30/99</u>	
201	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country CA	Country of Citizenship Canadian	
	POST OFFICE ADDRESS	9928 Kika Court, #2813	City San Diego	State or Country CA	Zip Code 92129
	FULL NAME OF INVENTOR	FIRST Name Howard	MIDDLE Initial R.	LAST Name Reese	
INVENTOR'S SIGNATURE <u>Howard R. Reese</u>				DATE <u>9-30-99</u>	
202	RESIDENCE & CITIZENSHIP	City Poway	State or Foreign Country CA	Country of Citizenship US	
	POST OFFICE ADDRESS	12604 Oak Knoll, Apt. I21	City Poway	State or Country CA	Zip Code 92064
	FULL NAME OF INVENTOR	FIRST Name Regina	MIDDLE Initial	LAST Name Rooney	
INVENTOR'S SIGNATURE _____				DATE _____	
203	RESIDENCE & CITIZENSHIP	City La Jolla	State or Foreign Country CA	Country of Citizenship US	
	POST OFFICE ADDRESS	2500 Torrey Pines Rd., #302	City La Jolla	State or Country CA	Zip Code 92037
	FULL NAME OF INVENTOR	FIRST Name John	MIDDLE Initial J.	LAST Name Scott	
INVENTOR'S SIGNATURE _____				DATE _____	
204	RESIDENCE & CITIZENSHIP	City Lafayette	State or Foreign Country IN	Country of Citizenship US	
	POST OFFICE ADDRESS	425 South 4 th Street	City Lafayette	State or Country IN	Zip Code 47901
	FULL NAME OF INVENTOR	FIRST Name	MIDDLE Initial	LAST Name	
INVENTOR'S SIGNATURE _____				DATE _____	
205	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship	
	POST OFFICE ADDRESS		City	State or Country	Zip Code
	FULL NAME OF INVENTOR	FIRST Name	MIDDLE Initial	LAST Name	
INVENTOR'S SIGNATURE _____				DATE _____	
206	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship	
	POST OFFICE ADDRESS		City	State or Country	Zip Code

Applicant or Patentee: John R. Havens, Thomas J. Onofrey, Charles H. Greef, Gregory J. Kevorkian, Jain Krotz, Kristie L. Lykstad, Daniel E. Raymond, Howard R. Reese, Regina Rooney and John J. Scott
 Serial or Patent No. : Not Yet Assigned
 Filed or Issued: _____
 For: MICROMOLECULAR ATTACHMENT SITES ON MICROELECTRONIC ARRAYS AND METHODS THEREOF

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27(c)) – SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled

by inventor(s) John R. Havens, Thomas J. Onofrey, Charles H. Greef, Gregory J. Kevorkian, Jain Krotz, Kristie L. Lykstad, Daniel E. Raymond, Howard R. Reese, Regina Rooney and John J. Scott

described in

- ☒ the specification filed herewith
- ☐ the application serial no. _____, filed _____.
- ☐ patent no. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME Nanogen, Inc.

ADDRESS 10398 Pacific Center Court, San Diego, CA 92121

☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization

NAME _____

ADDRESS _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Harry J. Leonhardt

TITLE OF PERSON SIGNING Vice President and General Counsel

ADDRESS OF PERSON SIGNING 10398 Pacific Centre Court, San Diego, CA 92121

SIGNATURE _____ DATE _____